

S.B. Civil Writ Petition NO.2089/2005

Karnail Singh

vs

Gurmail Singh & Anr.

DATE OF ORDER : - 8.4.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr.BS Kohinoor, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner-defendant submitted an application under Order 6 Rule 17 CPC seeking amendment of the written statement to incorporate the plea that the agreement in question has not been executed on proper stamp and has not been registered, therefore, the document is inadmissible in evidence. The trial court dismissed the amendment application on the ground that the petitioner failed to prove that even after due diligence, they could not take the defence in original written statement.

The writ petition of the petitioner deserves to be dismissed merely on the ground that the petitioner still has right to raise objection about the admissibility of the document when it is tendered in evidence.

In view of the above, I do not find any reason to interfere in the impugned order. Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-